

Comment Set 24, cont.

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during preparation of plans that affect them and require approval from those agencies prior to approval of the plans by the State Lands Commission.

24-35

35. In particular, the City believes that the measures outlined in Items 5, 13, and 28 above must be included in the MMP and that there should be specific provisions requiring that the applicant must pay the costs of the mitigation measures and of any repairs to other entities' facilities that may be needed as a result of construction or operation of the pipeline.

24-36

Other Points

36. The description of utility disruptions under Impact LU-1: Pipeline Construction Disturbance to Sensitive Land Uses, pages D.9-17 and 18, is appropriate and accurate in reference to standard utility lines where redundant systems can still provide service while isolating breakage areas to minimize disruption of service. However, this section and the mitigation measures provided are not adequate to address damages to critical lifeline facilities such as the City's raw water line, main electrical transmission lines and other major facilities that if damaged would create major service disruptions where tens of thousands of people would be without lifeline services.

24-37

37. Section D.4, Biological Resources, page D.4-31, identifies relevant portions of various county general plans but fails to identify applicable policies in city general plans. Goals 3.19, 3.20 and 3.21 of the Benicia General Plan with associated policies and programs relate to protection of wetlands, vegetation, and habitat. It should also be noted that General Plan Goal 4.21 and Program 4.21A relate to pipeline hazards that are discussed in Section D.2 of the EIR.

24-38

38. It is not clear that proposed Mitigation Cul-1a, pages D.5-13 and 14, is feasible in relation to the historic Stone House located at Milepost 11.4. It should be more clearly explained whether there is space available to maintain adequate distance between the pipeline and the Stone House and also between the pipeline and the City raw water line. Note also, as discussed in Item 13 above, that a safe distance between the pipeline and the City's raw water line has not yet been established but the City requires a minimum of 30 feet.

24-39

39. Mitigation EC-1a, pages D.6-8 and 9, requires the applicant to review existing records to identify areas of existing contamination along the route. Documentation produced by the U.S. Army Corps of Engineers during its investigation of residual contamination at the Benicia Arsenal should be included in the list of records to be examined since the proposed route traverses a portion of the former Arsenal. The Corps of Engineers report examined the potential for residual buried ordnance, as well as the potential for residual chemical contamination in the former Arsenal area.

24-40

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40. With respect to Impact GW-4: Contamination of Groundwater, pages D.8-21 to 24, it should be noted that impacts of the project on existing water supply wells in Segment 2 would be greater than impacts of the existing route in this area. This is because there are a number of private wells on properties fronting Lopes Road that would be avoided by use of the existing right of way.

24-41

41. Noise from construction is discussed on pages D.10-7 through 9. The analysis concludes that Mitigation N-1a, restricting construction hours, would reduce the impact to the level of insignificance. We note, however, that noise levels of 80 dB and above can result in hearing damage over periods of a few hours and some of the proposed construction equipment would generate noise above that level. Accordingly, it is suggested that additional mitigations may be necessary to avoid significant impacts on persons living or working immediately adjacent to construction areas.

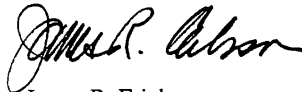
24-42

42. Section D.9.2.3 on page D.9-15 correctly states that a conditional use permit would have to be obtained for construction on private property in Benicia. The use permit requirement should be added to Table A.1 on page A-2.

24-43

The City of Benicia appreciates the opportunity to comment on the Draft EIR for the pipeline project. Please contact Dan Schiada, Public Works Director, at (707) 746-4240 to discuss the City's comments in detail.

Sincerely,



James R. Erickson
City Manager

cc: David Corman, Kinder Morgan

bcc: Assistant City Manager
City Attorney
Public Works Director
Community Development Director
Assistant Public Works Director
Senior Planner

Responses to Comment Set 24

- 24-1 Section D.2.3.3 of the Draft EIR identified the severance of third party substructures as a potential impact during construction of the proposed project. This section has been revised in the Final EIR to specifically identify the City of Benicia's sole water source 36-inch diameter water line. Mitigation Measure S-1a (Minimize Effect on Other Underground Facilities) has also been revised in this Final EIR (see Section 4, changes to page D.2-27).

As shown in Section D.11 (Utilities and Service Systems), Table D.11-1 (Draft EIR, page D.11-2), the City of Benicia is listed as an affected jurisdiction by the Proposed Project. Mitigation Measure US-1a (Protection of Underground Utilities) of the Draft EIR, page D.11-8, requires the protection of existing underground utilities in all affected jurisdictions, including the City of Benicia. Implementation of Mitigation Measure US-1a would reduce potential disruption impacts to the City's raw water line to a less than significant level. To further ensure coordination and minimize any potential impacts, Mitigation Measure US-1a has been revised to include "affected" agencies, thus requiring coordination with the City of Benicia prior to construction (see Section 4, changes to page D.11-8). Documentation of that coordination must be provided to the CSLC.

- 24-2 Please see Response to Comment 24-1.

- 24-3 Please see Response to Comment 24-1. Adequate coordination with the City of Benicia, as required by Mitigation Measure US-1a (Protection of Underground Utilities), would avoid any potentially significant impacts to the City's water supply.

- 24-5 The road closures are described in Section B.4.4 of the Draft EIR (page B-32) from a general perspective. They may be modified within specific jurisdictions and in particular circumstances to ensure adequate traffic flow. As described in Section D.12.3.3 (pages D.12-10 and -11), Mitigation Measures T-1a (Limit Lane Closures), T-1b (Traffic Control Plans), and T-2a (Minimize Access Concerns) lane closures would be defined in traffic control plans that must be approved by local jurisdictions, including the City of Benicia.

- 24-6 The referenced information from the Project Description (Section B.4.5) quotes the minimum requirements of federal law (49 CFR 195.250) with respect to separation from other underground structures. In this case, SFPP has committed to maintaining a minimum 24-inch vertical separation, with the new products pipeline being below the water line. This agreement has been specifically incorporated into Mitigation Measures US-1a (Protection of Underground Utilities) and S-1a (Minimize Effect on Other Underground Facilities), so the CSLC will monitor its enforcement during the mitigation monitoring process. Regarding the 30-foot horizontal separation required by the City, SFPP has agreed to this separation and the City's participation in final pipeline placement is ensured in Mitigation Measures US-1a and S-1a.

- 24-7 The significance criteria on page D.2-24 of the Draft EIR have been revised to reflect the City's concerns (see Section 4, changes to Section D.2.3.2). The text of Mitigation Measure S-1a (see Section 4, changes to page D.2-27) has been revised to add specific requirement for SFPP to continue its coordination with affected jurisdictions, and to document the coordination and resulting agreements to the CSLC. In addition, Mitigation Measure S-2f (Ensure Proper Cathodic Protection) has been modified to require that SFPP conduct cathodic protection studies and implement the resulting recommendations to protect the water pipeline, if required (see Section 4, under Mitigation Measures for Impact S-2.1, changes to page D.2-38).

- 24-8 The Draft EIR analyzed the pipeline risks using historical data. These data include risks such as those posed by the City's 36-inch water line and other substructures. The EIR did not analyze impacts on specific substructure, but the impact determinations and mitigation measures apply to the entire pipeline route and as such, impacts would be minimized with implementation of recommended mitigation measures.
- 24-9 The area around the City of Benicia is within an Unusually Sensitive Area (USA), as defined by 49 CFR 195, due to the proximity of the 36-inch water line, as well as other reasons. As a result, the portion of the proposed pipeline within the USA will be covered by the Applicant's 49 CFR 195 compliant Pipeline Integrity Management Plan. The Applicant has proposed to maintain the line using many of the most effective techniques included in the recently adopted pipeline integrity management regulations. The proposed mitigation measures incorporate these practices to insure that they are conducted along the entire line, and are not limited to only segments within USA's.
- 24-10 Draft EIR Section D.2.3.3, which identified the severance of third party substructures as a potential impact during construction of the proposed project, has been revised to specifically identify the City of Benicia's sole water source 36-inch diameter water line. Mitigation Measure S-1a (Minimize Effect on Other Underground Facilities) has also been revised to specifically incorporate reduction of impacts to this water pipeline (see Section 4, changes to page D.2-27).
- 24-11 The City of Benicia has been added as an area requiring specific analysis to Mitigation Measure S-2a (Supplemental Spill Response Plan) (see Section 4, changes to page D.2-35).
- 24-12 The text of Mitigation Measure S-2f (Ensure Proper Cathodic Protection) has been revised to include the City of Benicia in surveys and corrective actions that would ensure appropriate cathodic protection (see Section 4, changes to page D.2-38).
- 24-13 The Draft EIR does not identify all specific substructure facilities along the proposed and alternative pipeline corridors, similar facilities may exist along the corridor for the Existing Pipeline ROW Alternative. As a result, it is not possible to determine that the alternative would eliminate impacts of this nature. However, mitigation measures are presented in Section D.2 (Pipeline Safety and Risk of Accidents) and Section D.11 (Utilities and Service Systems) to ensure that impacts on all such substructure would be less than significant.
- 24-14 The text of Mitigation Measures S-1a (Minimize Effect on Other Underground Facilities) and S-2a (Supplemental Spill Response Plan) in Draft EIR, Section D.2 has been revised in this Final EIR to incorporate the City's specific concerns related to the raw water pipeline (see Section 4, changes to pages D.2-27 and D.2-35). The analysis in both Section D.2 (Pipeline Safety and Risk of Accidents) and Section D.11 (Utilities and Service Systems) fully covers the issues defined in this comment.
- 24-15 The presence of the City of Benicia's water transmission line does not directly impact the geology, soils or paleontologic resources of the area with respect to the Proposed Project, so it would not be appropriate to address this pipeline in Section D.7 (Geology, Soils, and Paleontology). The locations and characteristics of landslides along the proposed petroleum products pipeline route were discussed in detail in the Draft EIR (page D.7-9) and have been investigated in the recent geotechnical reports sponsored by SFPP (URS, May 2003). According to the mitigation measures presented in Section D.7 of the Draft EIR, including Mitigation Measures G-3a (Geotechnical Investigations at Landslide Crossings), G-3b (Valves at Landslide Crossings), G-5a (General Fault Crossing Design Parameters), and G-5b (Pipeline Operations

Plan), with revisions included in this Final EIR, the petroleum products pipeline would be located in the subsurface below the base of any potential slide plane, thus preventing a pipeline break due to offset from a landslide (see Section 4, under changes to Section D.7 of the Draft EIR). At the landslide location, the water pipeline is on the east side of I-680 (the SFPP pipeline is on the west side) and well away from the toe of any potential landslide from these identified sources, it is unlikely that it would be impacted either by the landslides or be impacted by the results of damage to the petroleum products pipeline. A recent geotechnical study of the Green Valley Fault crossing examined the width of the fault zone and attempted to identify the active trace or traces (URS, April 2003). Another study on pipeline performance at this fault crossing made recommendations for realigning the pipeline to prevent compressive strains during an earthquake (Honegger Consulting, July 2003). This recent information has been included in text revisions with this Final EIR. Although the design of the crossing of landslides and the Green Valley Fault has not been finalized, the mitigation measures included in this Final EIR would reduce the impacts from risks of pipeline accidents at these locations.

24-16 See Response to Comment 24-14.

24-17 The analysis of impacts from geologic events includes the referenced significance criteria (Draft EIR, pages D.7-16 to D.7-17). These criteria are interpreted in a manner that would protect all surrounding facilities and land uses. During any geologic event, the response of the steel petroleum product pipeline would likely be dramatically different from that of the water line such that any attempt to predict the impact of the failure of the pipeline on the water line during a geologic event would require site-specific studies upon final design. Mitigation measures to reduce the likelihood and effects of accidental rupture are included throughout the EIR. These measures would collectively ensure that impacts to surrounding facilities, such as the City's water line, are reduced to the extent feasible.

24-18 In the Draft EIR, Table D.11-2 (Utilities Along the Proposed Project Route, Draft EIR, page D.11-4) indicated the City of Benicia as containing water and wastewater utilities between MP 6.1 and 9.6 of the Proposed Project route. As indicated in Response to Comment 24-1, Mitigation Measure US-1a (Protection of Underground Utilities) has been revised to specifically acknowledge the subject water pipeline, and requires SFPP's coordination with all affected jurisdictions, including the City of Benicia, to minimize any potential impacts to utilities to less than significant levels (see Section 4, changes to page D.11-8).

24-19 Table D.11-1 has been revised in this Final EIR to reflect the additions suggested in the comment (see Section 4, changes to page D.11-2). The discussion of stormwater drainage facilities is located in Section D.8, Hydrology and Water Quality, of the Draft EIR.

24-20 CEQA *Guidelines*, Appendix G define appropriate significance criteria for assessment of environmental impacts, and the EIR follows those guidelines. The thresholds for definition of impacts on utilities and service systems outlined in Section D.11 (Utilities and Service Systems) of the Draft EIR focus on whether the proposed project would have an impact on the existing utility and service system capacities and capabilities of affected utilities and service providers. In further accordance with impact analysis thresholds of the CEQA *Guidelines*, Appendix G, potential health and safety risks of the proposed project are analyzed in Section D.2 (Pipeline Safety and Risk of Accidents) and Section D.6 (Environmental Contamination and Hazardous Materials) of the Draft EIR as appropriate.

24-21 Mitigation Measure US-1a has been revised to specifically address the City's water pipeline (see Section 4, changes to page D.11-8). The measure applies to all affected jurisdictions, regardless

of the size of the affected utility, including the City of Benicia. As such, the implementation of Mitigation Measure US-1a would reduce any potential utility service disruption impacts the City of Benicia raw water line to a less than significant level. Also, please see Response to Comment 24-1.

- 24-22 Mitigation Measure US-1a has been revised (see Section 4, changes to page D.11-8). Please see Response to Comment 24-1.
- 24-23 As presented in Mitigation Measure US-2a (Use of Reclaimed Water) (Draft EIR, page D.11-8), the Applicant shall coordinate with local water districts in advance in order to efficiently obtain reclaimed or potable water for delivery to the construction sites and to meet any restrictions imposed by them. The CSLC is responsible for reviewing information provided by SFPP in compliance with this measure, and will ensure that the analysis and conclusions are adequate prior to the start of construction.

Section D.3 (Air Quality) analyzes the potential impacts of construction truck trip emissions on air quality, and Section D.12 (Transportation and Traffic) analyzes the potential impacts of construction truck trips on traffic in the areas affected by proposed project construction.

- 24-24 The impact addressed in Impact US-4: Pipeline Accident Effects on Buried Utilities, specifically covers the likelihood of an accident and subsequent release on the SFPP pipeline to cause a concurrent release of water (or other commodity). This event is considered to be very unlikely, and therefore is considered to be less than significant. However, this specific issue does not minimize the determinations made regarding pipeline safety throughout the EIR. Potential impacts related to pipeline safety are identified as significant and unavoidable impacts in several issue areas: pipeline safety (Impact S-2), biological resources (Impacts B-1 and B-2), geology (Impact G-5), and water quality (Impacts HS-5 and GW-4). Numerous mitigation measures are recommended to improve pipeline safety. Please see also Responses to Comments 24-1 and 24-20.
- 24-25 Please see Responses to Comments 24-1 through 24-3, and 24-18 through 24-24. Under Mitigation Measure US-1a, coordination would be required should the approved project cross the North Bay Aqueduct or the Putah South Canal (see Section 4, changes to page D.11-8).
- 24-26 The separation distance requested by the City would be confirmed during implementation of Mitigation Measures S-1a and US-1a (as modified in this Final EIR, see Section 4, changes to Section D.2 and Section D.11 of the Draft EIR). Please see Responses to Comments 24-1 through 24-3, 24-6, and 24-18 through 24-24.
- 24-27 Section D.11.3.8 has been revised to acknowledge that implementation of Mitigation Measures S-1a and US-1a would reduce the likelihood of collocation accidents affecting critical utilities (see Section 4, changes to page D.11-12, under Section D.11.3.8). Implementation of Mitigation Measures S-1a and US-1a would allow jurisdictions to work with SFPP to define appropriate separation distances that would be implemented between the proposed pipeline and existing critical utilities, such as the Benicia raw water line. With implementation of these measures and others recommended in Section D.2 (Pipeline Safety and Risk of Accidents), the risk of a collocation accident is not considered to be a significant cumulative impact.
- 24-30 The information presented by the City of Benicia provided additional detail that was considered and incorporated into this Final EIR. However, no impact determinations have been modified, no

new significant impacts have been identified, and no new mitigation measures were required. Therefore, recirculation of the Draft EIR is not required.

- 24-34 The City's raw water line is now specifically addressed as defined in Responses to Comments 24-1 through 24-3, and 24-18 through 24-24. The potential impact of the proposed project on this line is considered to be a direct project impact, and not a cumulative impact. Impacts are mitigated through measures defined in the responses above.
- 24-35 The mitigation monitoring program defined in Section F of the Draft EIR (including revisions shown in Section 4 of this Final EIR) is consistent with CEQA and CSLC requirements. Many specific measures require that SFPP coordinates with local jurisdictions in preparing construction plans.
- 24-36 Please see Responses to Comments 24-6, 24-14, and 24-29.
- 24-37 Revisions to mitigation measures in Section D.2 (Pipeline Safety and Risk of Accidents), address these concerns. Please see Responses to Comments 24-1 through 24-3, and 24-18 through 24-24.
- 24-38 Section D.4.2.3 has been modified to acknowledge the relevant General Plan sections for the City of Benicia (see Section 4, changes to page D.4-31).
- 24-39 Pipeline construction should not impact the historic Stone House because it would be located about 30 feet west of the Proposed Project route. At this location, the City water line is east of I-680 and would be sufficiently distant from the Proposed Project route, which is west of I-680.
- 24-40 The text of Mitigation Measure EC-1a (Medium Potential Impact Sites) has been revised to include search of the records of the U.S. Army Corps of Engineers regarding the Benicia Arsenal (see Section 4, changes to page D.6-8).
- 24-41 The discussion on pages D.8-21 to -24 of the Draft EIR relates to the proposed pipeline route, and a comparative discussion of the Existing Pipeline ROW impacts would not be appropriate in this section. Implementation of Mitigation Measure GW-4a (Water Well Protection) and compliance with California Government Code Sections 51017.1 and 51017.2 would ensure that impacts to water wells would be less than significant.
- 24-42 Hearing damage at noise levels below 90 dBA is uncommon. Workers on the site of the Proposed Project would receive personal protective equipment if necessary to reduce the experienced noise level to below 90 dBA over an 8-hour work day, consistent with Occupational Safety and Health Administration regulations. While persons living near the work area may experience brief periods of noise over 80 dBA, the temporary nature of the work, the distance of the work from residences, and shielding provided by residential structures would minimize the construction noise. The noise mitigation presented in the EIR is consistent with City of Benicia requirements for construction noise and is considered to be adequate to reduce impacts to less than significant levels.
- 24-43 The recommended addition has been made to Table A-1 (Permits Required) (see Section 4, changes to page A-1).